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### REMARKS

Claims 1, 2, 4 and 6-14 are now pending in this application. Claims 3 and 5 have been canceled and the limitations thereof incorporated into amended Claim 1. Claim 1 is the only independent claim.

The drawing were objected to in paragraph 1 of the Action on the grounds that the "elements in Figure 1 only currently represented as blank boxes should include descriptive labels". A replacement sheet incorporating these changes is attached hereto.

Claims 1 and 14 were rejected under 35 U.S.C. 102(c) as being anticipated by Smith et al. (US 2003/0020977 A1) and Claims 2-13 were rejected under 35 USC 103(a) as being unpatentable over Smith.

Each of the rejections is respectfully traversed in light of the above claim amendments and cancellations and reconsideration is requested.

Independent Claim 1, as amended herein, is directed to a method of establishing a service connection between first and second network nodes in a WDM optical network for a plurality of network users including the steps of receiving, from each network user, user-preferences prioritizing a plurality of decision criteria defining preferable characteristics of the service connection, *wherein the user-preferences rank the plurality of decision-criteria*, selecting, using a prescribed algorithm, a path and a channel wavelength at which information is to be conveyed over the path between the first and second nodes based on the plurality of decision criteria as prioritized in accordance with the user-preferences, and, interconnecting the first and second network nodes over the selected path with the selected channel wavelength. The plurality of decision-criteria include in-service wavelengths, path length, in-service TRP savings, fragmentation and utilization rate.

The wavelength routing and switching mechanism described in Smith does not teach or suggest a method in accordance with Applicants' Claim 1, in which a network user provides "user preferences" that prioritize a plurality of decision criteria defining preferable characteristics of a service connection, including in-service wavelengths, path length, in-service TRP savings, fragmentation and utilization rate, and rank the plurality of decision criteria.

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The Action directs Applicants to page 3, paragraphs [0046], [0049], and page 4 paragraph [0062], as allegedly providing a teaching of the step of “receiving, from each network user, user preferences prioritizing a plurality of decision criteria defining preferable characteristics of the service connection” – recited in Applicants’ Claim 1.

Paragraph [0046] of Smith recites that a “request defines certain conditions and generally has some constraints, set according to the class of service applicable to the respective user”. Paragraph [0049] simply adds that “routing module 33 is responsible for finding ‘n’ number of paths....*the number of paths ‘n’ can be selected by the user,* based for example on the overall system cost versus set up time”.

The Office Action takes the position that “Smith disclose that the user determines constraints and thresholds for each requested service connection...therefore, Smith inherently discloses that the method of establishing the connection includes receiving user preferences prioritizing some constraints/decision criteria over others”.

Applicants respectfully disagree with this assertion, and submit that Smith does not teach or suggest a method in which user preferences prioritize a plurality of decision criteria defining preferable characteristics of a service connection, including in-service wavelengths, path length, in-service TRP savings, fragmentation and utilization rate, and rank the plurality of decision criteria.

The Action states (with respect to Claim 5) that “Smith et al. disclose decision criteria such as path length, but do not specifically disclose that the plurality of decision-criteria include all of the criteria among: in-service wavelengths, path length, in-service TRP savings, fragmentation and utilization rate”. Applicants submit that Smith does not teach or suggest “receiving from each network user” – such “user-preferences” that “prioritize and rank the plurality of decision criteria”....

There is absolutely no teaching or suggestion in Smith that the “constraints” mentioned in the Abstract and at paragraphs [0046], [0055] provide a teaching or suggestion of the step recited in Claim 1 of “receiving, from each network user, user preferences prioritizing a plurality of decision criteria defining preferable characteristics of the service connection” and “selecting...a path and a channel wavelength...based on the plurality of decision criteria as prioritized in accordance with the user-preferences”.

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For at least the foregoing reasons independent Claim 1 is believed patentable over Smith.

Dependent Claims 2-14 are believed to be clearly patentable for all of the reasons indicated above with respect to Claim 1 from which they depend, and even further define over Smith by reciting additional distinguishing limitations.

Since the Applicants have fully responded to the rejections set out in the Office Action, it is respectfully submitted that in regard to the above remarks that the pending application is in condition for allowance and prompt review and issuance is accordingly requested. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,

8/25/05  
Date

  
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